

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORATION,

Plaintiff,

v.

WELLS FARGO & COMPANY, et al.

Defendants.

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CIVIL ACTION NO. 2:06-CV-72-DF

JURY TRIAL DEMANDED

**AGREED MOTION TO DISMISS DEFENDANTS ZIONS
BANCORPORATION AND ZIONS FIRST NATIONAL BANK WITH PREJUDICE**

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement, Release and License Agreement, the Plaintiff, DataTreasury Corp. ("DTC") and Defendants Zions Bancorporation and Zions First National Bank (collectively, "Zions Bank"), have agreed to settle, adjust and compromise all claims and counterclaims against each other in the above-captioned action. The parties move this Court to dismiss with prejudice in the above-entitled cause any and all claims by DTC against Zions Bank and all counterclaims by Zions Bank against DTC.

DTC and Zions Bank also move the Court to order that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring same. Other than Zions Bank, no other defendants shall be dismissed as a result of this Motion.

A proposed Order accompanies this motion.

Dated February 23, 2008.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on February 23, 2009, all counsel who are deemed to have consented to electronic service are being served with a copy of this document via electronic transmission.

/s/ Anthony H. Son
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